

UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

D. N. KELLEY & SON, INC.

V.

F/V RESILIENCE (EX F/V BULLWINKLE)  
(O.N. 660487)

2004 JAN 14 P 12:10

U.S. DISTRICT COURT  
DISTRICT OF MASS

SUMMONS IN A CIVIL CASE

03 12593 RWZ  
CASE NUMBER:

TO: (Name and address of Defendant)

WAYNE E. FRYE, JR. (AS OWNER OF ABOVE VESSEL)  
60 SEAVIEW AVE.  
FAIRHAVEN, MA 02719

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ATTORNEY ANDREW B. SAUNDERS  
SAUNDERS & MICHAUD, LLP  
700 PLEASANT STREET  
NEW BEDFORD, MA 02740

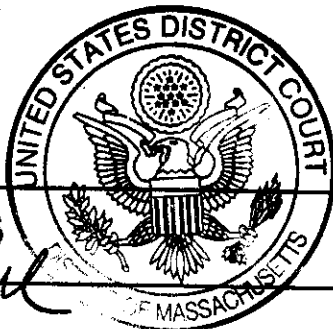
an answer to the complaint which is served on you with this summons, within 20 DAYS days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

TONY ANASTAS

CLERK

TONY ANASTAS

(By) DEPUTY CLERK



DATE

12/23/03

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	1/8/04
NAME OF SERVER (PRINT)	TITLE	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____		
<input checked="" type="checkbox"/> Other (specify): <u>OWNER of Defendant Vessel accepted Service</u> <u>in accordance with Rule 4(d) and 94 of</u> <u>the Rules of Civil Procedure. See "Acceptance of Service of</u> <u>Process Rule 4(d) and 94" executed by Walter E. Foy, Jr.</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on	Date	Signature of Server <u>ANDREW B. SAUNDERS</u> <u>BBO# 560645</u> <u>Counsel for Plaintiff</u> Address of Server
1/12/04		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

*Walter E. Foy, Jr.* 1-8-04